1890-023 Chancery Causes: Shelah H. Gillenwaters + wife vs. R. M. Hamblin &c
Lee Co.

Ely, Henson, Bishop, Wygal, Harris, Orr

-Deed

CA-Debt
T-Property

To the Hon. John A Kelly Judge of the Circuit Court of Lee County Virginia.

Your orator & oratrix Shelah H Gillenwaters & Allice Gillenwaters his wife, citizens of Scott County Va. humbly complaining would respectfully show your honor, that at the March term 1883 of your honor's Court, your oratrix, then a single woman, recovered by decree of your honor's court against R. M. Hamilen & A. M. Ely her Guardian's and E. S. Bishop & M. B. Wygal Administrators of the estate of Burdine Wygal deceased and Thomas S Ely administrator of the estate of Robert Henson deceased the sum of $83.79 with legal interest thereon from the 14th day of February 1883 till paid. This recovery was in favor of your oratrix against the said Hamilen & Ely as her late Guardian's and the administrators of the said Burdine Wygal & Robert Henson deceased, the said Wygal & Henson being the securities of the said Guardians in their official bond as such, On this decree an execution issued and was placed in the hands of Thomas S Ely Sheriff of Lee County, to be executed, and was returned by said Sheriff to the Clerk's office of your honor's Court, at June Rules 1883, the return day thereof, with the following return endorsed thereon, to wit "Not executed, no property found. Thos S Ely, S.L.C."

A copy of said decree is herewith filed marked "A" and a copy of said execution together with the return thereon is herewith filed marked "B". Now your orator & oratrix will further show your honor that the said R. M. Hamilton is totally insolvent, and the said A. M. Ely has departed this life since the rendition of said decree, leaving a very small personal estate, and his son Alexander M. Ely has been appointed and qualified in the County Court of said County as his Admr., but has as yet made no settlement of his administration account; the said Bishop & M. B. Wygal have made distribution of the personal estate of the said Burdine Wygal deceased among his heirs, after the payment of certain debts funeral expenses &c, and have made settlement of their account showing no further assets in their hands for the payment of liabilities of said estate, as we are informed; the said Robert Henson was at the time of his death a nonresident of this State and had no estate in this State. Your orator & oratrix are informed & believe that there is no assets in the hands of the said A. M. Ely Admr of the said A. M. Ely dec'd for the payment of their said Claim, and that resort will have to be had to real estate for the payment thereof, and as before stated

the said A. M. Ely died since the rendition of said decree, leaving as your orator & oratrix are informed, a valuable real estate consisting of a tract of 200 or 300 acres of land, situated in this County some six or seven miles South west of Jonesville, and which was conveyed to him by W. W. Anderson & wife, and which land said A. M. Ely conveyed to his son Wm S Ely by deed on the day of 188 but this conveyance they are informed, and therefore allege, was without consideration, and was made to hinder, delay and defraud creditors in the collection of their debts, But if mistaken in this your orator & oratrix will further show your honor that the deed for said land was made by said A. M. Ely to his said son upon the following conditions and under the following circumstances, Wm Ball who was the father of said A. M. Ely's first wife and the Grand father of his children by his first wife had given or proposed to give to his said Grand children the tract of land on which said Ely then resided, and the said Wm S Ely one of said grand children proposed that if his said father, A. M. Ely, would convey to him the said Anderson tract of land, he would have his said grand father to convey to him one sixth of the farm which said Ball proposed to give to his

A copy of said deed is herewith filed marked "C"

said grand children, and upon these terms and for this consideration the conveyance of said Anderson farm to said Wm S Ely was made, and after it was thus made the said Ball failed & refused to convey the said one sixth of said Ely farm to said A. M. Ely or any other part thereof. So your complainants allege that the said conveyance from the said A. M. Ely to his said son, Wm S Ely, ~~utterly failed, or~~ was in fact without consideration, and that the said Wm S Ely only held the legal title in trust for the benefit of said A. M. Ely, or if mistaken in this that he owes to said A. M. Ely's estate the value of said land, and in either event the said land or the value thereof is liable for said A. M. Ely's debts. The said A. M. Ely left at his death no other real estate that your complainants know of. The said Burdine Wygal left at his death a valuable real estate lying in this County some 2½ or 3 miles South west of Jonesville, and which descended to his heirs at law, to wit - M. B. Wygal, Newton Wygal, Sebastian Wygal, Frank J Wygal, James B Wygal, John B Wygal, Wm W Wygal Sarah Ely wife of J. R. Ely, & Cynthia J Bishop wife of E. S. Bishop and the said real estate or a considerable portion thereof is still owned by and in the possession of some of said heirs.

The said A. M. Ely decd. left at his death the

following heirs to whom his real estate de-
-scended, to wit - Wm S Ely, Alexander M Ely,
Charles Ely, John Ely, Mary Harris who married
E. W. Harris, Rettie Ely, Minnie Ely, Lucy Ely,
Ollie Ely, Ethel Ely, & Ida Ely.
Now the object of this bill is to enforce collection
of the said decree & the costs of issuing executions thereon, against the estate of the
said A. M. Ely deceased, the said Hamilton
being insolvent, and if this can not be done
to subject to the payment thereof the real estate
of the said Burdine Wygal deceased yet in
the possession of and owned by his heirs,
to this end your complainants make R. M. Ham
-ilton, Alexander M Ely Admr of A. M. Ely deceased,
Thomas S Ely Admr of Robert Henson deceased,
E. S. Bishop & M. B. Wygal Admrs of Burdine Wygal
dec'd, and Wm S Ely, Alexander M Ely, Charles
Ely, John Ely, Mary Harris & E. W. Harris her hus-
-band, Rettie Ely, Minnie Ely, Lucy Ely, Ollie Ely,
Ethel Ely & Ida Ely heirs of A. M. Ely deceased,
and M. B. Wygal, Newton Wygal, Sebastian Wygal,
Frank J Wygal, James B Wygal, John B Wygal, Wm W
Wygal, Sarah Ely & her husband J. R. Ely ~~and~~ Cynthia
J. Bishop & her husband E. S. Bishop heirs of
Burdine Wygal deceased the parties defendants
to this bill, and ask that they be required to
answer its general allegations on oath; that
upon a final hearing the administration acco
-unt of Alexander M Ely Admr of A. M. Ely deed

be settled and if sufficient assets are found in his hands to pay your Complainants Claim that he be decreed to pay the same, but if not then that the said deed from A. M. Ely to Wm S Ely be set aside, and held for naught, so far as Complainants Claim is concerned, or that the said land be considered as being held by said Wm S Ely as trustee for said A. M. Ely, and be held liable for the payment of their said Claim, or if this can not be done that a personal decree be rendered against said Wm S Ely for the amount of said claim on account of his indebtedness to his fathers estate for said Anderson land, and if none of this can be done then that the real estate of Burdine Wygal deed, which descended to his said heirs, be subjected to the payment of said Claim, and for all further and general relief. May Spa issue, and may order of publication be made, posted & published against Wm W Wygal, Mary Harris & E. W. Harris her husband who are nonresidents of this State, and may a Guardian ad litem be appointed and answer for John Ely, Bettie Ely, Minnie Ely, Lucy Ely, Ollie Ely, Ethel Ely & Ida Ely who are infants.

Richmond & Orr, for
Complainants.

C	9.79	to Aug/86
G.A.L	5.00	
S	7.00	
Dr	5.00	
S C	85	
A	15.00	
	$42.64	
Estimate	5.00	
	$47.64	
other case	47.64	
	$95.28	

P & C

Selah D. Gillenwaters & wife

vs. } Bill in Chancery.

C. M. Hamilton et als.

1886. May Bill filed & O.P.

" June Sheriff's return Defts & D. N. as to them

" July Contd for O.P. and also G. A. L. filed

" Aug. D. N. Confd O.P.

Confd & Caus set for hearing

" Aug. Decree & Contd

" Nov Continued

1887. Mr. Contd

1888 Contd 1889 Contd

1890 Mr. Decree

Final.

P. C. $19.30
Fees com 2.14
Feb 4/89

To the Hon John A. Kelly Judge of the Circuit Court for Lee County

The Seperate answer of the infant defendants John Ely, Rettie Ely, Minnie Ely, Lucy Ely, Ollie Ely, Ethel Ely, and Ida Ely, by J. A. L. Hyatt their Guardian ad litem to a Bill in Chancery filed in this Honorable Court against these defendants and others by Shelah H. Gillenwaters & wife.

For answer this respondent cannot say as to the truth or falsity of the allegations in said Bill, his said wards are of tender years and incapable of advising as to their interest, hence their rights and interest are placed in the hands of the Court, whose peculiar care it is, and who can legally guarde the rights of his said wards. And now having answered as fully as he is advised it is proper for him to do prays hence to be dismissed with his reasonable costs.

J. A. L. Hyatt
G. A. Litem

Shelah Willenwater

vs } Aus G. & L

R. M. Hamblen et al

Filed July Rules 1886

J. Ols Hyatt Clk

Fee $5.00

M. B. Wygal et als Plffs vs R. M. Hamilton et als - In Chy.
Shelah H. Gillenwaters & wife Plffs vs Same - In Chy.
These causes came on to be finally heard upon the papers formerly read in the causes and the report of James W Orr Commissioner and the deed therewith to Alexander M Ely for the land sold by said Comr. to said Ely, filed in the cause, January 20th 1890, and was argued by Counsel. On consideration thereof said report & deed is confirmed, and the Clerk of this Court will deliver said deed to said purchaser; and it is ordered that said Ely pay to said Commissioner $2.50 for making said deed, and nothing further remaining to be done in these causes they are ordered to be stricken from the docket.

Gillenwaters & wife
M. B. Wygal & als
vs } Decree Final
R. M. Hamilton et als.
Entered Chy
O. B. page 245
April 1st 1890.
J. A. S. Hyatt c

Enter this Decree.
N. L. K. Jr
April 1st 1890.

M. B. Wygal et als Pltffs vs R. M. Hamilton et als. – In chy.
Shelah A. Gillenwaters et ux vs Same . – In chy.

This cause came on again to be heard upon the papers formerly read in the causes, and the report of James W Orr, Comr., filed Aug 20th 1889, and was argued by Counsel. On consideration whereof, and said report having been filed the time required by law and being unexcepted to, the same is confirmed. And it is ordered that said Orr, who is appointed a Commissioner for the purpose, do convey by deed with covenants of special warranty, to the purchaser the land sold by him in said causes, and report his action to this Court, until which time the cause is continued.

M. B. Wiggal et als.

vs } Order

R. M. Hamilton et als.

Entered Page 216

A. G. Hyatt clk

Enter this decree

Pearson

Sept. 3rd 1889.

N. B. Wygal & als Plffs vs R. M. Hamilton & als — In chy.
Shelah H. Gillenwater & wife Plffs vs Same — In chy.

These causes came on again to be heard upon the papers formerly read in the cause, and the report of James W Orr Commissioner filed in the cause, Mar 16th 1887, and was argued by Counsel. On consideration whereof, and said report having been filed the time required by law, and being unexcepted to, the same is confirmed. And it is adjudged, ordered and decreed that said Commissioner pay out, to those entitled, the costs in his hands, and as soon as the purchase money for the land sold by ~~said~~ Commissioner Orr falls due, said Commissioner will proceed to collect the same, and when collected will pay the same to the parties entitled thereto, and will report his action to this Court. And the cause is continued.

Wm. B. Waggal et als
vs
R. M. Hamilton et als.

Shelah H. Gillenwaters et als
vs
R. M. Hamilton et als.

Entered page 16

Enter this decree.

H. L. K. M.

Nov 20th 1867.

M B. Wygal et als.
vs. } In chcy
Alexander M Ely Admr. &c. et al

and

Shelah Gillaw waters & wife
vs } In chcy
R M Hamblen et als

These causes came on again this day to be heard on the bill and exhibits of the plaintiff, and the answer of Guardian ad litem for the infant in the first styled cause the papers formerly read and the report of James W Orr commissioner in the second above styled cause and was argued by counsel and it appearing to the Court that process has been duly served on the adult defendants in the first named cause for more than 30 days before the first day of this Term and that each of said defendants have failed to answer plead or demur the bill is taken for confessed. On consideration whereof it is adjudged ordered and decreed that M B Wygal Newton Wygal E S Bishop and Jannie his wife J R Ely & Sarah his wife Sebastian Wygal F. J. Wygal. James B Wygal. W W Wygal. & John B Wygal

recover of the Defendants R W Hamblen and Alexander M Ely Admr of A M Ely deceased the sum of one hundred & forty seven dollars and 61 cents with interest thereon from the 6th day of December 1883 till paid and the costs of this suit to be taxed by the Clerk to be levied as against said administrator of the goods of his intestate. And it is further adjudged ordered and decreed that the deed of January 14th 1879. made by Andrew M Ely and wife to the defendant Wm S Ely be and the same is hereby annulled set aside and held for naught so far as the plaintiffs claim is concerned and it is further adjudged ordered decreed that unless the defendants or some one for them shall pay to the Plaintiffs the sum hereinabove decreed to them in the first named cause and to the plaintiffs the sum heretofore decreed to them and the costs of each of said suits within 30 days from the rising of this Court then James W Orr. who is appointed a special commissioner for the purpose shall sell the residue of said tract of land not heretofore sold in the case of M. D Richmond et als vs Andrew M Ely et al,

or enough thereof to pay said debts hereinabove named their interest and the costs of said suits on a credit of six twelve and eighteen months exclusive as to a sum sufficient to pay the costs of said suits & the costs and commissions of sale which he will require to be paid down. for the deferred payments said Commissioner will take bonds bearing interest from date with good security said sale will be made subject to the dower interest of the widow of said A M Ely deceased in the whole of said tract of land but before proceeding to sell said Commissioner will give bond before the Clerk of this Court in the penalty of $800 conditioned to faithfully account for all sums received by him and he will then give notice of the time place and terms of sale by posting written or printed notices thereof at 3 or more public places in said County one of which shall be the Court house door and another in the

M B Wygal et al

vs

Aly M Ely Sam et al

and

Shelah Gilbert wife & others

vs

R M Hamblen et al

Decree

Entered Page 585-6

J. A. S. Boyatte c

Enter this decree

J. A. K.

Nov 27th 1886.

neighborhood of said land he will report his action to the next term of the Court and the cause is continued

Shelah H. Gillenwaters & wife Plffs
vs } In chancery.
R. M. Hamilton et als. Defts

This cause came on this day to be heard upon the bill of the plaintiff & exhibits therewith taken for confessed against the adult defendants, and upon the answer of the infant defendants by J. A. G. Hyatt their guardian ad litem, with replication thereto, and was argued by Counsel, On Consideration whereof it is adjudged, ordered and decreed that the deed of January 14th 1879. from Andrew M. Ely & wife to the defendant Wm S Ely be and is hereby set aside & held for naught so far as the plaintiffs ~~dower~~ claim is concerned, and unless the said Wm S Ely or some one for him shall pay the ~~plaintiffs~~ amount of the decree in favor of the female plaintiff in the bill mentioned, & the costs of this suit within 20 days from the adjournment of this Court, then James W Orr who is appointed a Commissioner for the purpose will proceed at the front door of the Court house of this County on some Court day to ~~sell~~ vend to the highest bidder ~~so much of~~ said land in said deed mentioned, and not heretofore sold to satisfy debts of said Andrew M Ely decd, ~~as may be necessary to~~ for such term as will satisfy the amount of this decree. He will ~~sell~~ vend the

same as ~~six twelve & eighteen months~~
~~time~~ at an annual rent, except so much as may be necessary
to pay the costs of this suit & expense
of ~~sale~~ renting will be required to be paid
in hand and for the deferred payments
he will take bond with good security
payable to himself as Comr., Said Comr
before ~~selling~~ renting will advertise the time
terms and place of ~~selling~~ renting for at least
thirty days at the front door of the Court
house of this County and in the Vicinity
of said land, and will execute bond
with security
before the Clerk of this Court in the penalty
of One hundred & fifty dollars Conditioned
to faithfully account for & pay over all
money he may receive under this decree
and report his action ~~to Court~~ & the Cause
is Continued.

Shelah V Gillenwater
& wife

vs } Decree

R. M. Hamilton et als

Entered page 555
and 556

Enter this decree
J. A. K.

Aug 30th 1886.

Virginia

Lee County, to wit:

This day James W. Orr personally appeared before me and made oath in due form that, Wm. W. Wygal, Mary Harris and E. W. Harris her husband, are non residents of the State of Virginia

Given under my hand this 29. day of April 1886

J. A. S. Hyatt C. C.

S. H. Gillenwaters et al

vs } Affidavit showing non-residents

R. M. Hamblen et al

Virginia, Lee County Circuit Court.

Shelah H Gillenwaters & wife Pltffs
against — } In Chy.
R. M. Hamilton et als Deftts

The undersigned Commissioners in this cause respectfully reports, that pursuant to the decree entered therein at the last term, he offered to rent the land in said decree mentioned, on the terms therein set forth, ~~at~~ on the 1st day of the October term 1886 of the County Court of said County, but received no bids, although quite a number of persons were present, which renting had been advertised as provided in said decree, Your Commissioner is of opinion that said land will not rent, and he therefore suggests that a decree for a sale be entered as that is, in his opinion, the only way by which the plaintiffs claim can be paid.

Nov 6th 1886. Respectfully submitted
James W Orr. Comr.

The undersigned Comr. again offered said land for rent at the Nov term 1886, of said County Court, on 1st day, and although a large crowd was present, no bid was offered & he again suggests a sale.

Nov 16th 1886. Respectfully.
James W Orr.

To Hon Jno A Kelly.

Gellermaters & wife

vs } Orr's Report -
} No 1.

Hamblen & als.

Filed Nov 10th 1886.

J. Alex Hyatt Clk

M. B. Wyggabet als Pltffs vs Alex M Ely Admr & als Defts. In Chy.
S. H. Gillenwater & wife Pltffs vs Same Defts. In Chy.

The undersigned Commissioner in these causes, respectfully reports, that, pursuant to the decree entered in said causes at the Nov term 1886 he proceeded on the first day of the February term 1887 of the County Court of this County, at the front door of the Court house of said County, to sell to the highest bidder, the time being changed by agreement of all parties, on a credit of one & two years time, except as to costs & commissions of sale, the land in said decree mentioned. It being the balance of the Anderson tract of land conveyed by A. M. Ely to Wm S Ely not heretofore sold, at which sale the defendant Alex M Ely became the purchaser at the price of $313.25 that being the best bid offered. Said sale was made after advertising as in said decree directed, and the purchaser after paying down, or securing the payment of the costs of said two suits and the commissions on sale, amounting to $95.39 executed his two bonds or notes for $108.93 each, due in one and two years, with A. B. Mimsey as his security. The sum bid by said Ely was the amount of the two claims in said causes mentioned, & the costs of suits & commissions of sale. The security is ample and your Commissioner recommends a confirmation of said sale. The sale was made, as directed in said decree, except as to time, subject to the dower interest of the widow of A. M. Ely died in all of said tract.

Respectfully submitted.

James W Orr, Commissioner.

J. H. Gillemeaters & als

vs } Comr's Report of Sale

R. M. Hamilton et als

Filed Nov 16th 1887.

J. P. S. Hyatt cc

Only $30.26 fd down to Comr., the other costs settled with parties.

Orr.

1888. Nov. 6th. By.

M. B. Wygals recpt	$17.98
By Orr's note	34.02
" Cash	63.73
	$115.73

M. B. Wygal et als Pltffs vs R. M. Hamblen et als – In chy.
Shelah H Gillenwaters & wife vs Same – In chy.

The ~~undersigned~~ Commissioner in these causes respectfully reports, that he has collected the purchase money for the land sold by him to Alex M Ely, and has paid the same to the twu Claimants in said causes as heretofore directed, and the purchaser is entitled to a deed for said land. Respectfully submitted.

James W Orr, Comr.

M. B. Wygal et als.

vs } Deft of Ques.

R. M. Vanblein et als.

Filed Aug 20th 1889.

J. A. S. Hyatt C

Shelah H Gillenwaters & wife
against — } In chancery
R. M Hamilen et als.

M. B. Wygal et als.
against — } In chancery
Alex M Ely Admr &c et als

The undersigned Commissioner in these causes begs leave to report, that he has executed to Alexander M Ely a deed for the land sold him in these causes, which deed is herewith filed marked "O".

Respectfully submitted

James W Orr. Comr.

M. B. Wygal et als
vs } Cm's report of
Deed
R. M. Hamilen et als
Filed Jany 20th 1890.
J. A. Lystyatt C

Cr on fee for deed
2 transfer ~~deeds~~ $ 2.00
Cash in full .50
$ 2.50

Virginia

At a circuit continued and held for Lee Co. at the Apr. 4th 1883

Jenny Long et al Pltffs
vs } Ejectment
R. M. Hamblen et al Deftts

\# \# \# \# \#

And that Alice Long recover from the said R. M. Hamblen and A. M. Ely Guardians and C. S. Bishop & M. B. Nygal Admrs of Berdine Nygal decd; and Thos. S. Ely Sheriff and Admr. of the Estate of Robert Hurson decd, the sum of $33.79, with legal interest thereon from the 14th day of February 1883 till paid.

\# \# \# \# \#

A Copy Teste

J. A. Hyatt C.C.

Alice Long
vs } Copy of Decree
R. M. Hamberset al

A

Fee for Copy 20

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

We Command You, That of the Goods and Chattels of R. M. Hamblin & A. M. Ely Guardians & E. S. Bishop & M. B. Nygal, Admr of the Est of Burdine Nygal dec'd & Thos S Ely Admr ~~of the Estate of Robert Henson dec'd~~,

late in your Bailiwick, you cause to be made $ 33.79, with legal interest thereon from the 14th day of February, 1883, till payment, which Alice Long

lately in our Circuit Court of Lee County, has recovered against them by ~~suit for~~ Decree

Also, $ 1.13, which to the said Alice Long in our Court were adjudge for her costs in

that behalf expended, whereof the said Hamblin & Ely Guar Nygal & Bishop Admr & Ely Admr are convicted, as appears to us of record. And that you

have the same before the Judge of our said Court at the Court House on the first Monday in June

next, to render to the said Alice Long

of the Decree and costs as aforesaid. And have then and there this Writ.

Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 12 day of April

1883, in the 107 year of the Commonwealth. J. A. G. Hyatt **Clerk.**

le 88
Co le 25
113

Chey (92) R D & C

Alice Long

vs } Fi Fa

R. M. Hamblenton

To June Rules 1883

No Executed no property found

Thos. S. Ely

S. L. C.

A Copy Teste

J. A. L. Hyatt c.c.

B

Fee for Copy 90.¢

This deed made on this the 14th day of January 1879. between Andrew M. Ely and Martha E. Ely his wife of the one part, and Wm S. Ely of the other part, all of Lee county Virginia. Witnesseth that for and in consideration of the sum of fifteen hundred dollars paid in the said William S. Elys undivided interest in the tract of land now occupied by the said Andrew M. Ely the said Andrew M. Ely and Martha E. Ely his wife have this day granted bargained and sold and by this deed do hereby grant, bargain, sell and convey to the said William S. Ely all their right, title and interest in and to a certain tract or parcel of land lying and being in the county of Lee, and in the state of Virginia, on the south side of Powells River, and on the north side of Wallens ridge adjoining the lands formerly owned by John S. McFarlane and wife on the west, and is a part of two five hundred acre tracts formerly owned by Claiborne Anderson, it being the same tract or parcel of land conveyed by the said Claiborne to Wm M. Anderson by a deed bearing date on the 5th day of July 1866, and afterwards conveyed to the said Andrew M. Ely by the said William M. Anderson and wife by a deed bearing date on the 10th day of March 1877. and is bounded as follows to wit:- Beginning at a stake in a line, of said McFarlands 400 acre tract, and which was a corner to said McFarlands 600 acre tract and the beginning corner.

of said Blairbourne Anderson's 500 acre tract as formerly owned by him, and with the lines S. 287 poles to a poplar white oak, and dogwood, thence S 77 E. 100 poles to a large chestnut on top of Wallens ridge, thence N 80 E 68 poles to a hickory and chestnut thence N 40 E 56 poles to two white oaks and a dogwood on top of a ridge thence leaving said lines and running across the survey N 73 W 767 poles to two poplars and a gum (the poplars down) a corner to the 500 acre tract the said Blairbourne Anderson and William W. Anderson now line on, and also a corner to the 500 acre ridge tract, thence S 74 W 104 poles to a hickory and three small cedars among rocks, thence S 70 W 63 poles to two cedars, a walnut and dogwood on a line of the 500 acre ridge tract, and with said line N 63 W. 90 poles to the beginning, together with all the appurtenances belonging thereto The above boundary contains 300 acres be the same more or less, but it is understood and agreed between the parties hereto, that the said William W. Anderson and Mary Jane his wife had by deed bearing date on the on the 4th day of November 1874, conveyed 100 acres of said land to Andrew M. Fitts the boundaries of which are set forth in said deed, and had also contracted, bargained and sold to said Andrew M. Fitts ten Acres, more, and the said 100 acres and 10 acres are hereby excepted and excluded from this conveyance and are therefore not sold and conveyed by this deed, leaving one hundred and ninety acres more or less which is conveyed, And the said Andrew M. Ely covenants and binds himself to warrant the tract of land hereby conveyed against the claims of all persons whatever, Witness the following signatures and seals.

A. M. Ely (Seal)

Martha E. Ely (Seal)
their mark

Virginia Lee County to wit:-

I, James W. Orr Clerk of Lee county court do hereby certify that A. M. Ely whose name is signed to the foregoing deed bearing date January 14th 1879, personally appeared before me in my office and acknowled said writing to be his act and deed for the purposes therein mentioned this 15th day of January 1879.

James W. Orr Clerk.

Virginia Lee County to wit:

I, James W. Orr clerk of Lee county court do hereby certify that Martha E. Ely wife of A. M. Ely whose names are signed to the foregoing deed bearing date the 14th day of January 1879, personally appeared before me in my County aforesaid and being examined by me privily and apart from her said husband and having the said deed read and fully explained to her, acknowledged the same

to be her act and deed, and said she had willingly executed the same and did not wish to retract it. Given under my hand this May 17th 1881.

James W. Orr Clerk.

Virginia Lee county court clerks' office May 26th 1881.

The foregoing deed bearing date on the 14th day of January 1879, from A. M. Ely and Martha E. Ely his wife to Mrs S. Ely was this admitted to record upon the certificates of the clerk of this court,

Lester John G. Orr D.C.

For James W. Orr, C.C.

A copy Lester John R. Gibson Clerk

Mrs S. Ely
Transcript Copy of Deed
A. M. Ely et ux
Deed Book
No 14 P. 578

(C.)

A copy for the copy Rec'd

Know all men by these presents that we James. W. Orr. & John A. G. Hyatt are held and firmly bound unto the Commonwealth of Virginia in the just & full sum of $150.00 and for the prompt payment thereof well and truly to be made unto the said Cometh, we each bind ourselves heirs &c and we as to this bond waive our Home stead exemptions witness our hands and seals this 20 Sept 1886.

The condition of the above obligation is such that whereas the said James W. Orr was appointed a Comr. in the Chancery Cause of Shelah. H. Sullenwaters against W. M. Hamblen et al, and directed to rent certain lands mentioned in the Bill, Now therefore should the said Orr, faithfully discharge the duties assigned him & justly account fall all sums of money he may receive as such Comr, then this obligation to be void otherwise to remain in full force and virtue

James W. Orr (Seal)
J. A. G. Hyatt Security (Seal)

147
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882
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2641
147.61
774.07
45.00
21107
1000
31107 ~~774~~

50.00
45.00
10
105

Shelah H. Gillenwaters

vs } Bond

R. M. Hamblen et al

Filed Sept. 20th 1886

J. A. S. Hyatt c c

	Dr's fees in ex h $5.00	$ 5.00
	S. H. Ewing D. S. $7.00 + $3.00	10.00
28.15	Wyatt clk + Cy. A. L.	28 15
1.13		
29.28		
1.00		
30.28	Gibson clk.	85
	Duncan atty's fee	15.00
	Richmond + Orr. fee $15 Com $15.26	30.26
	Estimated	5.00
	Cost at law to date	$ 94.26
		1.13
		95.39

Memo.

Virginia

At Rules held in the Clerk's Office of the Circuit Court for Lee County on Monday the 3rd day of May 1886.

Shelah H. Gillenwaters & wife Pltffs
vs } In Chy
R. M. Hamblen et als Defts

The object of this suit, is to enforce the collection of the decree & costs in the bill mentioned against the Estate of A. M. Ely decd, and if this cannot be done, to subject to the payment thereof the real Estate of Berdine Wygal dec'd. And it appearing from an affidavit filed in this cause that the Defendants Wm W. Wygal Mary Harris and E. W. Harris her husband are non residents, it is therefore ordered that they appear here within one month after due publication of this order and do what may be necessary to protect their interest in this suit.

A Copy

Richmond & Orr P. Q. Teste J. A. G. Hyatt C. C.

Shelah H. Gillmore & wife

vs } Order Pub.

R. M. Hamblen et als

I certify that I delivered to The Virginia Herald an office copy of this order for Publication on the 3rd May 1856 and posted a like copy thereof on the front door of Lee C. H. at the May Term of the County Court.

J. A. L. Hyatt CC

8

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU to summon R. M. Hamblen, Alex. M. Ely Admr. A. M. Ely dec'd, Thos. Ely Admr. Robt. Hensmidt, E. L. Bishop & M. B. Mygal Admrs. Benjno Mygal dec'd & Wm. Ely, Alex. M. Ely, Charles Ely, John Ely Mary Harris & E. H. Harris her husband, Betty Ely, Minnie Ely, Lucy Ely, Alice Ely, Ed. Ely & Jno. Ely heirs of said A. M. Ely dec'd, M. B. Mygal, Newton Ely & Cortlen Ely, Frank Mygal, James B. Mygal, John Mygal, Wm. W. Mygal, Sarah Ely Dusk Ely her husband, Cintha Bishop & E. L. Bishop her husband, heirs of said Benjno Mygal dec'd —

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in June next, being Rule Day, to answer a Bill in Chancery exhibited in our said Court against them, by Sheldah J. Gillenwaters and Alice Gillenwaters her husband, Wife.

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 3 day of May 1880, in the 110 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A COPY—TESTE:

J. A. G. Hyatt Clk

For
Frank J. Wigal

216.96
96.41
313.37

1500
26
$15.26

Executed May the
30 1886
S Lawson D S Ln
R D Hanary S L C

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU to summon R. M. Hamblin, Alex. M. Ely Admr. A. M. Ely dec'd, Thos. S. Ely Admr. Robt. Henson dec'd, E. S. Bishop & M. B. Nygal Admrs Bordine Nygal dec'd and Wm. S. Ely, Geo. M. Ely, Charles Ely, John Ely, Mary Harris & E. W. Harris her husband, Lettie Ely, Minnie Ely, Lucy Ely, Ollie Ely, Ethel Ely & Ida Ely heirs of Jas. A. M. Ely dec'd. and M. B. Nygal, Newton Nygal, Sebastian Nygal, Frank Nygal, James B. Nygal, Robert B. Nygal, Wm. W. Nygal, Sarah Ely & Geo. D. Ely her husband, Cynthia Bishop & E. S. Bishop her husband heirs of said Bordine Nygal dec'd.

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday June next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against them, by Shelah H. Killenwaters and Alice Killenwaters his wife

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 3rd day of May 1886, in the 110 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A COPY—TESTE:

R & C

Shelah Gillmwater et ux
Spa in Chy
vs
R. M. Hamblen et al

To June Rules 1886.

Executed May 1886
by giving Office copies
to Alex M. Ely Thos S. Ely, E.
S. Bishop, M. B. Wygal
Wm S. Ely, Chas. Ely, Newton
Wygal, Sebastian Wygal, Francis
J. Wygal, James B. Wygal, John
B. Wygal, Wm H. Wygal, Sarah
Ely, James R. Ely & Cynthia J.
Bishop & by leaving a true
copy with C. H. Hamblen for
R. M. Hamblen, said C. H. Ham
blen being a white person
over 16 years of age —

Clks Fee . . . 3.08
S " 7.00
$10.08

and a member of the
family of said R.
M. Hamblen, and by
reading and ex
plaining the same
to said C. H. Hamblen
said R. M. Hamblen
not being at his
usual place of abode
S. H. Ewing
Deputy for R. D. Flenory
S. & C.

Publisher's Certificate.

JONESVILLE, VA., June 11, 188 5

I, Jeff L. Duff, Publisher of the LEE COUNTY SUN, a weekly newspaper published at Jonesville, Lee County, Virginia, do certify that the annexed Chancery Order was published four successive weeks in said newspaper, publication ending June 10, 188 5

Jeff L. Duff, Publisher.

Publisher's fee $8.00

VIRGINIA:—At rules held in the clerk's office of the Circuit court for Lee county on Monday the 3d day of May, 1886.

Shelah H. Gillenwaters and wife, Plffs.

vs.

R. M. Hamblin, et als., Defts.

IN CHANCERY.

The object of this suit is to enforce the collection of the decree and costs in the bill mentioned against the estate of A. M. Ely, dec'd., and if this cannot be done, to subject to the payment thereof the real estate of Berdine Wygal dec'd. And it appearing from an affidavit filed in this cause that the defendants, Wm. W. Wygal, Mary Harris, and E. W. Harris, her husband are non-residents, it is therefore ordered that they appear here within one month after due publication of this order and do what may be necessary to protect their interest in this suit. A copy teste

R. & O., P. Q. J. A. G. Hyatt, C.C.

Shelah Gillenwaters

vs } Pub. Certificate

R. H. Hamblenville

Pub Fee $5.00